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SUMMARY RECORD OF THE 3rd MEETING

Chairman: Mr. KRENKEL (Austria)

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The meeting was called to order at 10.15 a.m.

AGENDA ITEM 91: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (A/47/18, 245, 432, 480, 481)

AGENDA ITEM 92: RIGHT OF PEOPLES TO SELF-DETERMINATION (A/47/391, 412, 433)

1. Mr. BLANÇA (Under-Secretary-General for Human Rights), introducing agenda items 91 and 92, said he wished to congratulate the Chairman, whose humanitarian, social and cultural concerns had always been an integal part of his work, and the other members of the Bureau and to offer them his full support.

2. The United Nations bodies involved in the field of human rights had unanimously recommended the launching in 1993 of a third decade to combat racism and racial discrimination, thereby emphasizing the urgency of the problem. Racism and racial discrimination represented one of the most virulent and insidious scourges of mankind. It affected society as a whole, with its capacity to marginalize certain sectors of the population, hinder economic and social development, and engender conflict between States and groups of States.

3. Attitudinal change could only come about through long-term efforts. An outgrowth of ignorance, and of feelings of fear, suspicion and contempt, racism persisted in the collective and individual unconscious. In recent years new forms of racism had emerged. While a certain measure of progress had been attained, much work remained for all those concerned, at both national and international levels. The very roots of the problem had to be attacked through a combination of reflection, education, teaching and training.

4. The Secretary-General's report on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (A/47/432) proposed the elements of a draft programme of action for a third decade, two of which in particular should be considered in the light of recent events. First, positive signs of change in South Africa, in particular the abolition of certain fundamental laws of apartheid, gave rise to the hope that a free, united and non-racial South Africa could emerge in the near future. At the same time, as demonstrated by recent events, the transition period might turn out to be difficult to manage. The Centre for Human Rights was prepared to provide technical cooperation in the field of human rights throughout the transition period and was willing to organize a series of seminars, in collaboration with the specialized agencies and bodies of the United Nations concerned, on topics of crucial interest for the future of South Africa.

5. Secondly, the question of minorities had re-emerged with new force in certain regions. During its forty-eighth session, the Commission on Human Rights had adopted the draft declaration on the rights of persons belonging to

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national, ethnic, religious and linguistic minorities, which undoubtedly represented a significant advance towards respect for the rights of minorities and which would be submitted for adoption by the General Assembly at the current session.

6. The International Convention on the Elimination of All Forms of Racial Discrimination was the most effective instrument for eradicating that scourge and was the most universally accepted among United Nations instruments relating to human rights: the recent accessions of Estonia, Latvia and Slovenia had brought the number of States parties to 132. The importance of the Convention and of its monitoring body, the Committee on the Elimination of Racial Discrimination, had been highlighted by the recent eruptions of ethnic violence, which had impaired national solidarity and peaceful relations in several parts of the world. Thus, the work of that Committee was clearly of great importance. It was therefore particularly regrettable that financial difficulties had once again prevented the Committee from adhering to its normal schedule. The cancelling of the spring session and the reduced length of the summer session had seriously limited the Committee's capacity to fulfil its mandate.

7. The amendment to the financial provisions of the Convention, approved by the States parties at their 14th meeting, in January 1992, would, if approved by the General Assembly, provide a definitive solution. The Committee's financial difficulties could, in fact, only be resolved if the General Assembly decided to authorize financing from the regular budget, as an interim measure pending the establishment of new funding procedures. In that connection, the Committee had requested that the additional resources should be provided from either the United Nations Contingency Fund or through a supplementary budgetary allocation for 1993.

8. In 1992, the Committee on the Elimination of All Forms of Racial Discrimination had considered reports submitted by 10 States parties. Moreover, in an effort to re-establish a constructive dialogue with countries that had failed to submit their reports on time, it had employed a new procedure under which it had reviewed the situation in those countries on the basis of their previous reports. The results had been encouraging: several of the States concerned had pledged to submit their reports before the Committee's next session.

9. During its last session, the Committee had also reviewed the status of the activities related to the Second Decade and had adopted a number of recommendations concerning a third decade. It had continued its consideration of the draft model legislation against racial discrimination but had been unable to complete that essential work owing to lack of time. The Committee had appointed a Working Group to prepare preliminary views regarding model legislation for implementing article 4 of the Convention, to be submitted at the Committee's next session.

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10. During the past 12 months, four more States - Estonia, Latvia, Slovenia and Jordan - had acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid, bringing the total number of States parties to 93. He recalled that in 1991, the Group of Three had recommended that, in view of the limited number of reports presented by States parties, it should hold its sessions every other year. At its next session, in January 1993, the Group would consider reports received since the previous session and would take into consideration any information submitted by States parties, specialized agencies or non-governmental organizations concerning crimes of apartheid committed by transnational corporations operating in South Africa.

11. At the forty-fourth session of the Subcommission on Prevention of Discrimination and Protection of Minorities, held in August 1992, Mr. Khalifa had announced his decision to give up his post as Special Rapporteur on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa. The Special Rapporteur had submitted reports on that subject for the past 18 years, establishing a list of banks and other transnational corporations which were providing direct or indirect assistance to South Africa. However, in view of developments in South Africa and, in particular, the results of the referendum on 17 March 1992, he felt that his mandate had outlived its purpose and that the Subcommission should turn its attention to monitoring the evolution of the democratic process in South Africa.

12. In that connection, the Subcommission had adopted resolution 1992/6, recommending to the Commission on Human Rights the appointment of Ms. Judith Sefi Attah as Special Rapporteur responsible for presenting annually a report on the transition to democracy in South Africa. It would include steps taken, in accordance with international human rights instruments to prevent violence between different groups in South Africa; investigation of alleged involvement of the South African security forces in fomenting violence; steps to ensure equal political participation for all South Africans; steps to ensure the enjoyment by all South Africans of economic and social rights; and an analysis of the obstacles to democratization in South Africa and the means of eliminating them.

13. Turning to agenda item 92, he observed that the right of peoples to self-determination was fundamental to protecting, preserving and strengthening human rights and had been enshrined in the Charter and the international human rights covenants. At the previous session, the General Assembly had adopted three resolutions relating to that right, thus clearly reaffirming the legitimacy of the struggle by peoples to gain their independence, territorial integrity and national unity and to free themselves from colonial domination, apartheid and foreign occupation. In recent years, the General Assembly had focused on the use of mercenaries, a practice which threatened international peace and security, violated human rights and impeded the exercise of the right of peoples to self-determination. A report (A/47/412) would be

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presented to the Third Committee the following week by the Special Rapporteur on the question of the use of mercenaries, whose mandate had been extended for three years.

14. At its latest session, the Commission on Human Rights had continued its consideration of the question of the right of peoples to self-determination. The specific situations in which the human rights of peoples under colonial or foreign domination continued to be violated, including the cases of Palestine, Afghanistan, Western Sahara and Cambodia, were dealt with in document A/47/433.

15. The winds of freedom and democracy which continued to blow across the world were the tangible expression of the two fundamental principles of the United Nations: respect for equal rights and self-determination of peoples and the promotion and encouragement of respect for human rights and fundamental freedoms for all. The international community must strive to give voice to those principles by strengthening understanding, tolerance and respect for others worldwide, which was the only way to ensure peace and economic and social progress.

16. Mr. RAVEN (United Kingdom), speaking on behalf of the twelve States members of the European Community, said that the Twelve had always condemned all forms of racial discrimination and were appalled by the crimes now being committed in the name of racial or ethnic purity. Human rights and fundamental freedoms for all individuals, without distinction of any kind, were vital for mankind's dignity, well-being and future and, together with the sovereign equality of nations, formed the basis of the legal order of the international community, as enshrined in the Charter. Combating racism and racial discrimination continued to be a major consensus theme of the United Nations.

17. The Twelve welcomed the new impetus which the Committee on the Elimination of Racial Discrimination had brought to its task of monitoring the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. They urged the General Assembly to take measures at the current session to implement the amendment to the Convention proposed by the States parties in order to fund the Committee from the United Nations regular budget, so that the Committee would no longer be inhibited in its work by financial constraints. Moreover, States parties must abide by all their obligations under the Convention, which included regular reporting and payment of their financial contributions, including arrears. The Committee's improved functioning should reduce the current backlog of reports, and countries that had not submitted their reports were urged to do so soon. The new requirement that, after submission of initial comprehensive reports, States parties need submit further comprehensive reports only every four years, with brief updating reports every two years, should help to overcome the problems experienced by some States.

(Mr. Raven, United Kingdom)

18. The Centre for Human Rights had done much useful work in combating racism in connection with the Second Decade to Combat Racism and Racial Discrimination. In view of the clear need for further action by the United Nations, the Twelve would support the recommendation for a third decade. That decade should be action-oriented and focus on the problem of racism and xenophobia worldwide.

19. Manifestations of racism were not confined to any particular region and had been particularly evident in recent months. Events in the former Yugoslavia included racial persecution and discrimination of the worst kind. The European Community and its member States unreservedly condemned, and were endeavouring to prevent, the odious policy and practice of "ethnic cleansing". The perpetrators of gross violations of human rights and of international humanitarian law must be brought to justice. The Twelve welcomed all the work undertaken by the various United Nations organs to alleviate the suffering and safeguard the human rights of the victims. They applauded the appointment of a Special Rapporteur of the Commission on Human Rights, thanked him for his report, and expected effective coordination in following up his recommendations. They also welcomed the action being taken in the context of the Conference on Security and Cooperation in Europe (CSCE).

20. While recognizing the many positive developments in South Africa in recent years, the Twelve condemned the alarming level of violence there and called on all parties concerned to respect their commitments under the national peace accord. They had urged the South African Government to investigate all incidents of violence rapidly and thoroughly so that those responsible were brought to justice, and noted its commitment to do so. Agreement had been reached on the deployment of European Community observers, to be coordinated with those of the United Nations and other organizations in accordance with Security Council resolution 772 (1992). The Twelve reaffirmed their support for a peaceful transition to a democratic, united and non-racial South Africa, and called upon the leaders of all parties concerned to resume and pursue negotiations. The Twelve looked forward again to joining in a consensus resolution on South Africa, on the understanding that the text would properly reflect developments there. They recalled, for example, the statement by the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities, Mr. Khalifa, to the Subcommission at its recent session to the effect that, in the light of recent events, the continued updating of the list of banks, transnational corporations and other organizations assisting the racist regime of South Africa would no longer serve its intended purpose.

21. Other examples of discrimination which merited examination included the massive suffering inflicted by the Iraqi regime on the Kurds and Shiites, and persecutions by the Myanmar authorities. Social tensions were sometimes also the cause of racial discrimination, as had been seen in parts of Europe in recent months. Member States of the European Community were committed to adopting all possible legislative, educational and other measures to eliminate such racial prejudice and xenophobia.

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22. On the question of self-determination, the Twelve fully recognized that right, the exercise of which was an ongoing process and was indissociable from the other provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, including article 25 of the former concerning elections. The Twelve commended the assistance provided by the United Nations to countries holding elections. They were, however, deeply concerned about several serious instances of denial of the right to self-determination, regretting, for example, that the result of the 1990 election in Myanmar had still not been respected and that in Haiti the duly elected authority had been overturned by force.

23. On the subject of the Middle East, as reiterated in the Declaration of the European Council in Lisbon on 27 June 1992. The Twelve recognized that it was for the parties to the dispute to establish the terms of a settlement, which must be freely negotiated and agreed among them. A just and lasting peace must, however, be based on Security Council resolutions 242 (1967) and 338 (1973), which enshrined the principle of "land for peace". It should provide for the security of all States in the region, including Israel, within recognized and guaranteed borders, and for the Palestinian people to exercise their right to self-determination.

24. The Twelve reiterated their support for the United Nations settlement plan for Western Sahara involving a referendum on the exercise of the right to self-determination by the people of Western Sahara, and urged all parties to avoid any action which would hinder the rapid implementation of that plan. They also fully supported the action undertaken by the United Nations to implement a settlement of the Cambodia problem. With reference to Afghanistan, they had welcomed the transfer of power to an interim administration of Mujahidin, which they hoped would lay the foundation for a broad-based government and an end to the violence there. They called for negotiations to seek a consensus on a return to peace and to the conditions for economic and social reconstruction.

25. Other positive developments had been the strengthening of democratic forms of government in the territories of the former Soviet Union. The application of the principle of self-determination could at no time be used as an excuse for suppression of the rights of minority groups. The Twelve urged all the former republics to settle their differences peacefully and respect fully all their obligations under human rights conventions, as well as those undertaken in the context of the CSCE.

The meeting rose at 11.05 a.m.